

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BEST MEDICAL INTERNATIONAL, INC.)
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Plaintiff,)
)
)
vs.) Case No. 2:10-CV-1043 (TFM)
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ACCURAY INCORPORATED,)
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Defendant.)
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**ORDER TO DISMISS CLAIM 29 OF
THE '283 PATENT WITH PREJUDICE**

Based on the Stipulation and Joint Motion for Dismissal of Claim 29 with Prejudice filed by the parties, IT IS HEREBY ORDERED that, all claims of infringement as to claim 29 of U.S. Patent No. 6,038,283 B2 ("the '283 patent") asserted by Plaintiff against Defendant are DISMISSED WITH PREJUDICE.

It is FURTHER ORDERED that Defendant's counterclaims of non-infringement and invalidity as to claim 29 of the '283 patent asserted by Defendant against Plaintiff are DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated this 23rd day of September, 2013

s/ Terrence F. McVerry

Hon. Terrence J. McVerry
United States District Judge